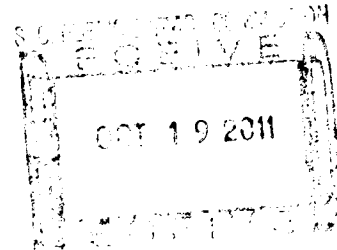




October 17, 2011

VIA – FIRST CLASS MAIL

Ms. Jocelyn Boyd  
Chief Clerk of the Commission  
SC Public Service Commission  
P.O. Box 11649  
Columbia, SC 29211



RE: JACABB Utilities, LLC

Dear Ms. Boyd:

Pursuant to 26 S.C. Code Ann. Reg. 103-514 (Supp 2009), JACABB Utilities, LLC (JACABB) hereby files with the Public Service Commission of South Carolina (Commission) the South Carolina Department of Health and Environmental Control (DHEC) Consent Order No. 11-038-W, executed October 14, 2011. A copy of this order is enclosed.

By copy of this letter, I am providing a copy of this document to Office of Regulatory Staff. I would appreciate your acknowledging receipt of these documents by date-stamping the extra copy enclosed and returning the same to me via the self-addressed envelope. ✓

If you have any questions or need additional information, please let us know.

Sincerely,

**JACABB UTILITIES, LLC**

Stephen R. Goldie  
Managing Member

Enclosures

cc: Scott Dukes, Office of Regulatory Staff  
James S. Eakes, Esquire

BOARD:  
Paul C. Aughtry, III  
Chairman  
Edwin H. Cooper, III  
Vice Chairman  
Steven G. Kisner  
Secretary



C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment*

BOARD:  
Henry C. Scott  
M. David Mitchell, MD  
Glenn A. McCall  
Coleman F. Buckhouse, MD

October 14, 2011

**SENT VIA E-MAIL AND REGULAR USPS MAIL**

Mr. Stephen R Goldie  
Managing Member  
Goldie and Associates  
210 W North 2nd Street  
Seneca, S.C., 29678-3235

Re: **Consent Order 11-038-W**  
JACABB Utilities, LLC/I-85 of S.C., Exit 4  
NPDES Permit # ND0086819  
Anderson County

Dear Mr. Goldie:

Enclosed is a copy of the executed Consent Order 11-038-W for the above referenced Respondent and Facility. The Order is considered executed on **October 14, 2011**.

Please note the requirements on page 5 of the Order pertaining to a Schedule of Compliance for upgrade construction activity and payment of a civil penalty within thirty (30) days from the execution date of the Order, which would be on or before November 14, 2011.

Please contact me if you have any questions. My number is (803) 898-4247, or by email at: [kreckewr@dhec.sc.gov](mailto:kreckewr@dhec.sc.gov).

Sincerely,

William R. Kreckler  
Enforcement Section  
Water Pollution Control Division  
Bureau of Water

Enclosure

cc: Jaime Teraoka, BOW/WPC/Compliance Section  
Chris McCluskey, Director, EQC Region 1 Office - Anderson

**THE STATE OF SOUTH CAROLINA  
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

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**IN RE: JACABB UTILITIES, LLC  
INTERSTATE 85 OF SOUTH CAROLINA, EXIT 4  
WASTEWATER TREATMENT PLANT  
ANDERSON COUNTY**

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**CONSENT ORDER  
11-038-W**

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Jacabb Utilities, LLC (Respondent), owns and is responsible for the proper operation and maintenance of the Interstate 85 of South Carolina/Exit 4 Wastewater Treatment Plant (WWTP), serving the employees and customers of the travel stop located in Anderson County, South Carolina.

The Respondent failed to comply with effluent limitations for Biochemical Oxygen Demand- 5 day (BOD<sub>5</sub>), Total Suspended Solids (TSS), Ammonia-Nitrogen (NH<sub>3</sub>-N), and Fecal Coliform (FC) as required by its Land Application Discharge Permit, ND0086819 (State Permit), issued by the S.C. Department of Health and Environmental Control (Department). These violations occurred subsequent to the inadvertent discharge of a cleansing agent containing a chemical that was toxic to the WWTP, rendering its treatment capacity ineffective.

Based upon discussions with an agent for the Respondent on August 3, 2011, the parties have agreed to the issuance of this Order to include the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. The Respondent owns and is responsible for the proper operation and maintenance of the WWTP, serving the employees and customers of the travel stop located in Anderson County, South Carolina.

2. Department staff issued the State Permit on May 28, 2009, allowing the Respondent to discharge treated wastewater to a 37-acre drip irrigation site with 18.5 acres of designated drip field adjacent to the WWTP, in accordance with effluent limitations, monitoring requirements and other conditions set forth therein.
3. The State Permit, Part III, A., establishes the "Limitations and Monitoring Requirements" for discharges from the WWTP. Discharge Monitoring Reports (DMRs) submitted for the October 2010 through February 2011 monitoring periods reported that effluent from the WWTP exceeded the weekly average and monthly average limitations for BOD<sub>5</sub> and TSS.
4. The DMRs for the September 2010 through December 2010 and February 2011 monitoring periods reported that effluent from the WWTP exceeded the weekly average and monthly average limitations for NH<sub>3</sub>-N.
5. The DMRs for the October 2010 and February 2011 monitoring periods reported the exceedences of the daily maximum effluent limit for FC and the monthly average for FC in February 2011.
6. On October 4, 2010, the Respondent initiated an investigation upon first discovering a significant, system wide disruption and loss of the treatment process capabilities of the WWTP. Respondent notified the Department, Region 1 Office in Anderson, by phone. Comments attached to the October 2010 DMR reported that, "The waste treatment plant seems to have suffered from a toxic chemical that has entered the plant." A preliminary investigation identified a concrete cleaner that was suspected of causing the affect on effluent quality as was observed at the WWTP.
7. In November 2010, it was confirmed that the chemical, quaternary ammonium used in the concrete cleaner, was the probable source of toxicity for the organisms in the

WWTP, rendering the biological treatment processes ineffective. The use of this product was discontinued.

8. On December 8, 2010, the WWTP was cleaned out and re-seeded with wastewater from another wastewater treatment plant. Recovery was expected within three to six weeks. Effluent quality failed to improve after the second week following re-seeding. Further investigation revealed that a restaurant discharging to the WWTP was also using a quaternary ammonium-based sanitizer. A more extensive review of all the chemicals used at the site was conducted, eliminating the possibility of anything else that could be toxic that would be disruptive to effective wastewater treatment.
9. On January 13, 2011, the Respondent submitted a plan for additional corrective actions to the Department, including cleaning and re-seeding the WWTP as well as making significant modifications to the WWTP to improve performance. On February 1, 2011, the Department approved the modifications proposed for the WWTP in the form of a Pilot Study.
10. The WWTP was cleaned and re-seeded a second time by January 23, 2011. The Respondent reported that difficulties were experienced during the adjustment period through February 2011 when declining dissolved oxygen (DO) levels affected nitrification. Ammonia concentrations exceeded monthly and weekly averages, prompting the use of fine bubble diffusers to more efficiently increase DO. The waste stream also developed fine particle "pin floc" that passed through both up flow filters and final filtration, causing the exceedences of TSS limits. Fecal coliform (FC) limits were also exceeded in February 2011 due to the UV disinfection system being rendered less effective because of the pin floc. Polymer was added to the aeration

tank prior to clarification which aided settleability and allowed the WWTP to meet all effluent parameters during the March 2011 monitoring period.

11. On March 22, 2011, Department staff issued a Notice of Violation (NOV) to the Respondent for the BOD<sub>5</sub>, NH<sub>3</sub>-N, and FC violations incurred during the October 2010 through January 2011 monitoring periods. A written response to the NOV was requested providing a status update of corrective actions taken to restore the WWTP back into compliance.
12. On April 8, 2011, the Department received a letter from the Respondent providing an update and progress report on the investigation and findings relative to damage to the biological treatment community within the WWTP.
13. On August 3, 2011, Department staff held an enforcement conference with agents for the Respondent to discuss the above Findings of Fact. The issuance of a Consent Order containing a civil penalty was discussed.
14. On August 4, 2011, the Respondent submitted an application package to the Department seeking a construction permit to upgrade the WWTP for the purpose of ensuring the ability of the Respondent to consistently meet effluent limitations and to better control the quality of WWTP discharges.
15. The Respondent's initiation of actions to mitigate the problem prior to notification and enforcement actions by the Department were taken into consideration in deciding the required administrative actions in the order.

#### **CONCLUSIONS OF LAW**

Based upon the above Findings of Fact, the Department reaches the following Conclusions of Law:

1. The Respondent is in violation of the Pollution Control Act, S.C. Code Ann. §48-1-

110(d)(2008) and the regulations governing Water Pollution Control Permits, 24 S.C. Code Ann. Regs. 61-9.122.41(a)(Supp. 2010) in that it failed to comply with effluent limits for BOD<sub>5</sub>, NH<sub>3</sub>-N, and FC as set forth in its State Permit.

2. The Pollution Control Act, S.C. Code Ann. §48-1-330 (2008) provides for a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day of violation for any person violating the Act or any rule, regulation, permit, permit condition, final determination, or Order of the Department.

**NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED**, pursuant to the Pollution Control Act, S.C. Code Ann. §48-1-50 (2008) and S.C. Code Ann. §48-1-100 (2008), that the Respondent shall:

1. Complete the WWTP upgrade in accordance with the following Schedule of Compliance:
  - a. Begin construction no later than sixty (60) days following the issuance of the Department's Permit to Construct.
  - b. Complete construction no later than sixty (60) days following the start of construction and, upon completion of construction and before commencing operation, request a final inspection by the Department and request an Approval to Place Into Operation.
2. Within thirty (30) days from the execution date of this Order, pay to the Department a civil penalty in the amount of four thousand two hundred dollars (\$4,200.00).

**PURSUANT TO THIS ORDER**, the penalty due shall be made payable to the South Carolina Department of Health and Environmental Control. Please include the Order number listed above on any submittals relating to this Order, including any check remitted as payment of the civil penalty. All communication regarding this Order and its requirement, shall include the Order number and shall be addressed as follows:

William R. Kreckler  
WPC Division/Bureau of Water/SCDHEC  
2600 Bull Street  
Columbia, S.C. 29201

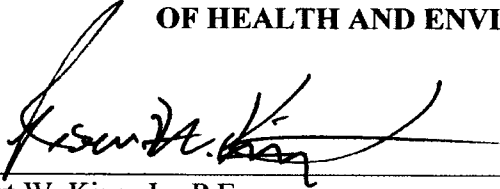
**IT IS FURTHER ORDERED AND AGREED** that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), to include the assessment of additional civil penalties.

**IT IS FURTHER ORDERED AND AGREED** that this Consent Order governs only the Jacabb Utilities, LLC's, liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and the Jacabb Utilities, LLC, with respect to the resolution and settlement of the matters set forth herein. The parties are not relying upon any representations, promises, understandings or agreements except as expressly set forth within this Order.

**[Signature Page Follows]**



FOR THE SOUTH CAROLINA DEPARTMENT  
OF HEALTH AND ENVIRONMENTAL CONTROL



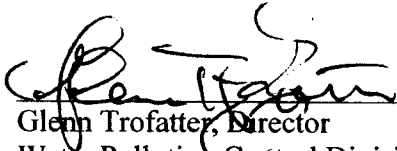
Robert W. King, Jr., P.E.  
Deputy Commissioner  
Environmental Quality Control

Date: 10/14/11



David E. Wilson, Jr., P.E.  
Bureau Chief  
Bureau of Water

Date: 10-7-11



Glenn Trofatter, Director  
Water Pollution Control Division  
Bureau of Water

Date: Oct 6 2011

Reviewed by:

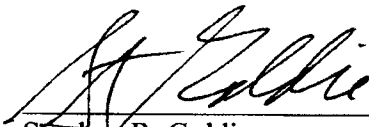


Attorney  
Office of General Counsel

Date: 10/10/11

WE CONSENT:

JACABB UTILITIES, LLC



Stephen R. Goldie  
Managing Member

Date: 10/3/11